

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	
	*	CASE NO. 13-05220/BKT
JESUS CRUZ MERCED	*	
YOLANDA MICHELLE ESTRADA BENITEZ	*	CHAPTER 13
	*	
DEBTORS	*	

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**DEBTORS' MOTION REQUESTING COURT  
AUTHORITY TO INCUR IN CREDIT 11 USC SECTION 364 (d) AND  
RULE 4001-2 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

TO THE HONORABLE COURT:

NOW COME, **JESUS CRUZ MERCED and YOLANDA MICHELLE ESTRADA BENITEZ**, debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. On June 26, 2013, the debtors filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 et. seq. An *Order* confirming the debtors' proposed Plan was entered on September 4, 2013, docket no. 18.

2. The debtors are currently in possession of a 2008 Ford F150, which has a "lease agreement", number 2500069100032466, with Banco Popular de Puerto Rico ("BPPR").

3. BPPR has informed the debtors that the "residual value balance" of the lease agreement has matured and has become due. The debtors owe BPPR the sum of \$9,812.87 for said "residual balance" including certain post-petition direct car lease arrears, and BPPR has pre-approved a "refinancing of said amount under the following terms;

<b>Amount:</b>	<b>\$9,812.87</b>
<b>Terms:</b>	<b>48 installments</b>
<b>Interest rate:</b>	<b>13.95%</b>
<b>Payment amount:</b>	<b>\$283.81</b>

Page – 2-  
Motion Requesting Authorization to Incur in Credit  
Case no. 13-05220/BKT13

4. A copy of BPPR's refinancing offer is hereby attached to this motion, which final approval is pending the Honorable Court's disposition of this request for authority to incur in post-petition credit.

5. The debtors need this motor vehicle to travel to and from their place of work, and this motor vehicle is necessary for debtors' reorganization under the confirmed Plan.

6. The debtors are able to pay BPPR the sum of \$283.81 for forty-eight (48) months in order to pay off the balance owed to said creditor.

7. The debtors are current in their confirmed Plan payments to the Trustee and respectfully understand that they have the financial ability to incur in the car lease renewal loan with BPPR to pay the \$283.81 per month for forty-eight (48) months, thus, they respectfully request that this Honorable Court grant them authorization to incur in this post-petition credit and continue with the closing of this refinancing car lease loan with BPPR, which will allow them to retain possession of this motor vehicle.

8. The debtors hereby request authorization from the Court to:

- a. incur in a post-petition car lease loan in the sum of \$9,812.87 at an interest rate of 13.95% to retain the possession of their motor vehicle, a 2008 Ford F150.

9. Based on the aforementioned, debtors respectfully request this motion be granted and the Court enter an Order allowing debtors to incur in the post-petition renewal loan as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure.

**WHEREFORE**, debtors respectfully request this Honorable Court grant the present motion authorizing the debtors' request to incur in post-petition credit, as herein submitted.

Page – 3-

Motion Requesting Authorization to Incur in Credit  
Case no. 13-05220/BKT13

**NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 1009(b)**

**Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9013(c) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.**

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to the Chapter 13 Trustee and all system participants; I also certify that a copy of this motion was sent via US Mail to the debtors; and to all creditors and parties in interest appearing in the master address list, hereby attached.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 4<sup>th</sup> day of February, 2015.

**/s/ Roberto Figueroa Carrasquillo**  
ROBERTO FIGUEROA CARRASQUILLO  
USDC #203624  
ATTORNEY FOR PETITIONERS  
PO BOX 186 CAGUAS PR 00726-0186  
TEL 787-744-7699 FAX 787-746-5294  
Email: rfigueroa@rfclawpr.com

Label Matrix for local noticing  
0104-3  
Case 13-05220-BKT13  
District of Puerto Rico  
Old San Juan  
Wed Feb 4 09:27:05 AST 2015

Midland Funding LLC by American InfoSource L  
ATTN: Department 1  
PO Box 4457  
Houston, TX 77210-4457

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

BANCO POPULAR DE PR  
PO BOX 2708  
SAN JUAN, PR 00936

BANCO POPULAR DE PUERTO RICO  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PR 00936-6818

Banco Popular  
PO Box 362708  
San Juan, PR 00936-2708

DEPARTAMENTO DE HACIENDA  
PO BOX 9024140  
SAN JUAN, PR 00902-4140

JC PENNEY  
PO BOX 364788  
SAN JUAN, PR 00936-4788

Midland Funding LLC  
by American InfoSource LP as agent  
ATTN: Department 1  
PO Box 4457  
Houston, TX 77210-4457

POPULAR AUTO (POPULAR LEASING)  
BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN PUERTO RICO 00936-6818

BANCO POPULAR DE P.R. AS SERVICES OF FANNIE  
MARTINEZ & TORRES LAW OFFICES, P.S.C.  
PO BOX 192938  
SAN JUAN, PR 00919-3409

POPULAR AUTO INC  
CONSUMER BANKRUPTCY DEPARTMENT  
PO BOX 366818  
SAN JUAN, PR 00936-6818

AT&T Mobility Puerto Rico, Inc  
% AT&T Services, Inc  
Karen Cavagnaro, Paralegal  
One AT&T Way, Room 3A104  
Bedminster, NJ 07921-2693

BANCO POPULAR DE PR  
PO BOX 3228  
SAN JUAN, PR 00936

BANCO POPULAR of PR as servicer of Fannie Ma  
MARTINEZ & TORRES LAW OFFICES PSC  
PO BOX 192938  
SAN JUAN, PR 00919-3409  
(787)-767-8244 FAX, 787)767-1183

CARICO INTERNATIONAL  
2851 W CYPRESS CREEK RD  
FORT LAUDERDALE, FL 33309-1781

Department of Treasury-  
Bankruptcy Section (Suite 1504)  
235 Ave. Arterial Hostos  
San Juan Puerto Rico 00918-1451

LEONARD & ASSOCIATES PSC  
PO BOX 366220  
SAN JUAN, PR 00936-6220

NATION WIDE  
PO BOX 26314  
LEHIGH VALLEY, PA 18002-6314

PR ACQUISITIONS LLC  
PO BOX 194499  
SAN JUAN PR 00919-4499

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

RELIABLE FINANCIAL SERVICES  
PO BOX 21382  
SAN JUAN, PR 00928-1382

ATT SERVICES  
PO BOX 192830  
SAN JUAN, PR 00919-2830

BANCO POPULAR DE PR  
PO BOX 70100  
SAN JUAN, PR 00936-8100

BANCO SANTANDER  
PO BOX 362589  
SAN JUAN, PR 00936-2589

CLARO  
METRO OFFICE PARK FLOOR 2  
GUAYNABO, PR 00966

INTERNAL REVENUE SERVICE  
PO BOX 7346  
PHILADELPHIA, PA 19101-7346

MIDLAND FUNDING  
CITIBANK  
8875 AERO DR STE 200  
SAN DIEGO, CA 92123-2255

OPERATING PARTNERS  
PO BOX 194499  
SAN JUAN, PR 00919-4499

SEARS  
PO BOX 6189  
SIOUX FALLS, SD 57117-6189

JESUS CRUZ MERCED  
JOSE MERCADO  
V 125 APT 1  
CAGUAS, PR 00725

JOSE RAMON CARRION MORALES  
PO BOX 9023884  
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO  
PO BOX 186  
CAGUAS, PR 00726-0186

YOLANDA MICHELLE ESTRADA BENITEZ  
JOSE MERCADO  
V 125 APT 1  
CAGUAS, PR 00725

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
ST CLOUD, MN 56302-9617

(d)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
ST CLOUD MN 56302

(d)RELIABLE FINANCIAL SERVICES, INC.  
PO BOX 21382  
SAN JUAN PR 00928-1382

End of Label Matrix  
Mailable recipients 34  
Bypassed recipients 0  
Total 34



## POPULAR AUTO

28 de enero de 2015

**CRUZ-MERCED, JESUS**

V 12 Carr 789 apt 1  
Caguas, PR 00725

Estimado señor Cruz:

Con mucho gusto le informamos que su solicitud para refinanciamiento de unidad 32466 **2008 FORD F150** fue aprobado.

Los términos y condiciones son los siguientes:

Cantidad Financiada:	\$9,812.87
Termino de contrato:	48
APR asignado:	13.95%
Pago mensual:	\$283.81 SIN SEGURO
Pronto:	\$1,000.00
	(Esta aprobación es válida hasta 2/28/15 para su primer pago en 3/04/15)

### DOCUMENTOS REQUERIDOS

- Copia de licencia de conducir (vigente)
- Póliza y carta de pago de seguro
- Permiso del sindico

Gerente División Workout

Miriam Gascot Ayala

sfrn